

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

UNITED STATES OF AMERICA)	
)	
v.)	NO. 2:08-CR-98
)	
JOSE A. HERNANDEZ)	
ELIAS LOPEZ)	

ORDER

This criminal matter is before the Court to consider the Report and Recommendation of the United States Magistrate Judge dated December 5, 2008. [Doc. 86]. The Magistrate Judge recommends that the defendants' motion to suppress evidence seized from the defendants' residence as a result of a consensual search be denied. The defendants have filed objections to this report. [Docs. 88 and 92].

After careful consideration of the Report and Recommendation of the United States Magistrate Judge, the defendants' objections to that Report and Recommendation, the defendant Elias Lopez's motion to suppress which was adopted by the defendant Jose A. Hernandez, the response of the government, the transcript of the hearing held on November 6, 2008, after hearing additional testimony on March 5, 2009, and for the reasons set out in that Report and Recommendation which are incorporated by reference herein, it is hereby **ORDERED** that this Report and Recommendation is **ADOPTED** and **APPROVED**, and that the defendants' motion to suppress is **DENIED**. [Doc.63].

It is also hereby **ORDERED** that the Motion for a continuance of the trial date filed

by Elias Lopez is **DENIED**, however, his plea bargain deadline is extended up to and including March 9, 2009. [Doc. 111].

ENTER:

s/J. RONNIE GREER
UNITED STATES DISTRICT JUDGE